

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION AT DAYTON

LEON A. MORRIS, SR.,

Plaintiff,

Case No. 3:22-cv-278

vs.

MARY K. HUFFMAN, JUDGE,  
*et al.*,

District Judge Michael J. Newman  
Magistrate Judge Caroline H. Gentry

Defendants.

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**ORDER: (1) AFFIRMING THE UNITED STATES MAGISTRATE JUDGE’S ORDER GRANTING PLAINTIFF’S MOTIONS TO AMEND HIS COMPLAINT (DOC. NO. 12); (2) ADOPTING THE MAGISTRATE JUDGE’S REPORT AND RECOMMENDATION THAT PLAINTIFF’S COMPLAINT BE DISMISSED (DOC. NO. 12); (3) OVERRULING PLAINTIFF’S OBJECTIONS (DOC. NOS. 13, 14); (4) DISMISSING WITH PREJUDICE IN ITS ENTIRETY PLAINTIFF’S COMPLAINT, AS AMENDED (DOC. NOS. 1, 10 ); (5) DENYING PLAINTIFF’S REQUEST FOR ISSUANCE OF A SUMMONS (DOC. NO. 9); AND (6) TERMINATING THIS CASE ON THE DOCKET**

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This case is before the Court on the Report and Recommendation and Order issued by United States Magistrate Judge Caroline H. Gentry, to whom this case was referred under 28 U.S.C. § 636(b). Doc. No. 12. In an Order, Judge Gentry granted Plaintiff’s *pro se* motions to amend his complaint, *id.* at PageID 66-67, and, in an accompanying Report and Recommendation, recommended that the Court dismiss with prejudice Plaintiff’s *pro se* complaint under 28 U.S.C. § 1915(e)(2)(B). *Id.* at PageID 67-80. Plaintiff has filed objections to this Report and Recommendation and Order. Doc. Nos. 13, 14.

The Court liberally construes a *pro se* plaintiff’s filings in his or her favor, including a *pro se* plaintiff’s objections to a report and recommendation. *See Haines v. Kerner*, 404 U.S. 519, 520-21 (1972); *Garrett v. Belmont Cnty. Sheriff’s Dep’t*, 374 F. App’x 612, 614 (6th Cir. 2010)

(stating that construing *pro se* complaints liberally may include considering additional allegations set forth in objections to a magistrate judge's report and recommendation) (collecting cases). Doing so in the instant case, Judge Gentry correctly recognized that Plaintiff filed three motions to amend his complaint. (Doc. No. 12 at PageID 66). In her Order, Judge Gentry granted each motion to amend. *Id.* at PageID 67. In her Report and Recommendation, Judge Gentry recommended dismissal of Plaintiff's complaint in its entirety pursuant to 28 U.S.C. §§ 1915A(b)<sup>1</sup> and 1915(e)(2). *Id.* at PageID 79-80. Judge Gentry consequently recommended that Plaintiff's request for issuance of a summons be denied as moot. *Id.*

Upon careful *de novo* consideration of the foregoing, the Court determines that Judge Gentry's Order should be affirmed, the Report and Recommendation should be adopted, and Plaintiff's objections should be overruled. Accordingly, it is hereby **ORDERED** that (1) the United States Magistrate Judge's Order granting Plaintiff's motions to amend his complaint (Doc. No. 12) is **AFFIRMED**; (2) the Magistrate Judge's Report and Recommendation (Doc. No. 12) is **ADOPTED**; (3) Plaintiff's objections (Doc. Nos. 13, 14) are **OVERRULED**; (4) Plaintiff's complaint, as amended (Doc. Nos. 1, 10), is **DISMISSED WITH PREJUDICE**; (5) Plaintiff's request for issuance of a summons (Doc. No. 9) is **DENIED**; and (6) this case is **TERMINATED ON THE DOCKET**. The Court **CERTIFIES**, pursuant to 28 U.S.C. § 1915(a)(3), that an appeal of this Order would not be taken in good faith, and consequently, **DENIES** Plaintiff leave to appeal *in forma pauperis*.

**IT IS SO ORDERED.**

January 26, 2023

s/Michael J. Newman  
Hon. Michael J. Newman  
United States District Judge

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<sup>1</sup> This statute applies because Plaintiff is an inmate at the North Central Correctional Institution. *See* 18 U.S.C. § 1915A(a).